

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Howard & Carolyn Peelle
508 Pratt Corner Road, Amherst, MA 01004

Date application filed with the Town Clerk: October 9, 2008

Nature of request: To renew Special Permit ZBA FY2007-00003 for a two family house.

Address: South East Street (Map 20B, Parcel 68, R-N Zone)

Legal notice: Published October 29 and November 5, 2008 in the Daily Hampshire Gazette and sent to abutters on October 28, 2008

Board members: Thomas Simpson, Hilda Greenbaum and Albert Woodhull

Submissions: The petitioner submitted with the following with the application:

- A copy of the building plans, approved by the Zoning Board of Appeals on September 12, 2006;
- A copy of the site plan submitted and reviewed by the Board during the previous application;
- A copy of the management plan submitted and reviewed by the Board during the previous application;

Site Visit: November 12, 2008

Hilda Greenbaum met with applicant, Carolyn Peelle, at the site (Thomas Simpson had been on the previous panel and Albert Woodhull visited the site separately) and observed the following at the site:

- A vacant parcel, resembling a mowed meadow, situated on the east side of South East Street between two properties developed with single family dwellings;
- The parcel containing a gentle slope to the east toward the Lawrence Swamp wetland complex and large knoll close to South Pleasant Street;
- A thick vegetated buffer separating the property to the north and a non-vegetated view of the property to the south;
- The approximate location of the proposed driveway close to the north property line;
- The approximate location of the two (2) proposed residential structures situated approximately mid-way into the parcel.

Public Hearing: November 13, 2008

The applicant, Carolyn Peelle, presented information to the Board. She stated the following:

Public Meeting:

- In November 2006 they purchased the parcel, part of the former Wentworth Farm, a 1 plus acre hay field sloping east toward the Hop Brook Conservation area.
- The plan is to build a two family owner occupied set of homes for themselves and their daughter's family;
- They will reside in the small cottage that will be connected by a breezeway to the main house, which will be a Classic Colonial home.
- The original bid was accepted with the provisions that a Special Permit be first obtained from the Zoning Board of Appeals and that the Wentworths who sold the land and live next door, approve the design;
- After several steps, such as wetland limits designation, the Special Permit was granted in September 2006;
- There have been no changes to the previously approved plans.

Ms. Peelle provided information to the Board regarding the company who came up with the design, Classic Colonial Homes, including pictures of homes similar in design to the plan previously approved by the Board.

Ms. Peelle read an excerpt of an article related to Classic Colonial Homes, in connection with the new design review standards and principals. She added that the goal of Classic Colonial Homes is to "preserve the natural beauty and the rural character of each property and create a harmonious collection of early American architecture with unity of purpose and design". She stated that she feels the design is in harmony with the Town's design standards and principles.

Ms. Greenbaum stated that she had not seen elevations of the entire project, and asked the applicant to show the West elevation and how it would look from the street.

The Board reviewed the proposed elevations and floor plans of the two proposed residences with the applicant.

Mr. Woodhull noted that there is a large knoll in the front, closer to South East Street, and asked the applicant to describe how much of the new dwellings you would be able to see from South East Street. The Board reviewed the West elevation, the topography of the site and the height of the house as related to how much would be seen from the road.

Ms. Greenbaum asked the applicant whether they intended to remove the knoll. Mr. Woodhull noted that keeping the existing knoll would help to block the view of the home from South Pleasant Street.

Ms. Peelle stated that they don't intend to remove the knoll, but if they did, it would be with permission.

Mr. Woodhull asked if they intend to maintain the front yard as a meadow?

Ms. Peelle stated that they would like to, but there may be some lawn after the disturbance related to construction. She indicated that she would prefer to have wildflowers and shrubs, but is not sure yet.

Mr. Simpson made a motion to close the public hearing. Ms. Greenbaum seconded the motion and the Board voted unanimously to close the public hearing.

Public Meeting:

The Board discussed the new Design Review criteria of Section 3.2040 and the Design Review Standards of Section 3.2041. Mr. Simpson stated that the proposal is for all new construction and is not in a densely populated area. The Board determined that the application meets the general principles of Section 3.2040 and the Design Review Standards of Section 3.2041.

Mr. Woodhull stated that the neighborhood is heterogeneous and the project appears to fit within the context of the area.

Ms. Greenbaum noted that she feels the project fits the site.

The Board spent the remainder of the public meeting discussing conditions for granting the Special Permit.

Findings:

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380, 10.381 and 10.392 – The proposal is suitably located in the neighborhood and is compatible with existing uses because this is a residential area, a mix of newer and older homes. The applicants have designed the two-family dwelling to blend with the slope of the land and the open space to the east.

10.382 and 10.385 – The proposal would not constitute a nuisance and reasonably protects the adjoining premises against detrimental or offensive uses on the site because the dwellings will be set well back from the street, there is a row of trees the entire length of the property to the north, and there will be some screening to the south planted by the applicants.

10.383 and 10.387 – The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians and the proposal provides convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets because there is a single driveway with substantial parking opportunities for parking and turn-a-rounds within the site. Also one of the conditions of the permit requires that the slope of the driveway be no more than 5% within 50 feet of the street.

10.384 – Adequate and appropriate facilities would be provided for the proper operation of the proposed use because the applicant has adapted the proposal to meet the recommendations and requirements of the Town Engineer, a grading engineer, the Conservation Commission and the Zoning Bylaw for the location of the dwelling units and grading of the driveway.

10.386 – The proposal ensures that it is in conformance with the parking regulations of the town (two parking places per housing unit), since the proposal shows more than ample parking available on site.

10.389 – The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables and other wastes because the dwelling units will be connected to Town water/sewer, and the Management Plan indicates that the owners will be responsible for weekly pickup of refuse/recyclables.

10.391 – The proposal protects unique or important natural, historic or scenic features because they will not be changing the natural slope of the land except for the driveway, and they plan to keep the historic open character of the lot (a hayfield) as much as possible.

10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting because all exterior lighting will be downcast, screening will exist for adjacent neighbors, and the dwellings will be located below the road elevation.

10.395 – The proposal does not create disharmony with respect to the use, scale and architecture of existing buildings in the vicinity because there is a mix of large and small homes along that portion of South East Street. Additionally, the Board has determined that the application meets the general principals and design review standards of Section 3.2040 and Section 3.2041 of the Zoning Bylaw.

10.397 – The proposal provides adequate recreational facilities, open space and amenities for the proposed use because the lot is very large and there will be ample room for a play area for the children. A trail going into the conservation area to the east also abuts the property.

10.398 – The proposal is in harmony with the general purpose and intent of the Zoning Bylaw because it protects the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst. It also provides an opportunity for an extended family to share living together.

Public Meeting – Zoning Board Decision

Mr. Simpson made a motion to APPROVE the application with the same conditions as ZBA FY2000-00003. Ms. Greenbaum seconded the motion.

For all the reasons stated above, the Board VOTED to grant a Special Permit to renew Special Permit ZBA FY2007-00003, for a two-family, owner occupied residence under Section 3.321 of the Zoning Bylaw on the premises at South East Street (Map 20B, Parcel 68, R-N Zone) as requested in the application filed by Howard & Carolyn Peelle, subject to the conditions of ZBA FY2007-00003 and as listed.

THOMAS SIMPSON

HILDA GREENBUAM

ALBERT WOODHULL

FILED THIS _____ day of _____, 2008 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____, 2008.
NOTICE OF DECISION mailed this _____ day of _____, 2008
to the attached list of addresses by _____, for the Board.
NOTICE OF PERMIT or Variance filed this _____ day of _____, 2008,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit to renew ZBA FY2007-00003, for a two-family, owner occupied residence under Section 3.321 of the Zoning Bylaw on the premises at South East Street (Map 20B, Parcel 68, R-N Zone) as requested in the application filed by Howard & Carolyn Peelle, subject to the conditions of ZBA FY2007-00003 and as listed:

1. Pesticides, herbicides, fertilizers and other leachable lawn and garden chemical shall be used strictly in accordance with Lawn Care Regulations of the Massachusetts Pesticide Board.
2. The outdoor storage of de-icing materials or pesticides, herbicides, fertilizers and other hazardous lawn and garden chemicals for home use is prohibited.
3. The slope of the driveway shall be no more than 5% within 50 feet of its intersection with the pavement of South East Street.
4. The driveway shall be 12 feet wide, with two (2) foot improved gravel shoulders.
5. The addresses of the residences shall be posted near the street, visible from both directions.
6. The dwellings shall be built according to the undated plans prepared by Classic Colonial Homes and stamped approved by the Zoning Board of Appeals dated November 13, 2008.
7. Any changes to the site or building plans shall be presented to the Zoning Board of Appeals for review and approval at a public meeting.
8. All exterior lighting shall be downcast.
9. One of the dwelling units shall be owner-occupied.
10. Prior to issuance of a Certificate of Occupancy, the privacy screening adjacent to the south property line (to be comprised of a hedge or fence) in accordance with the site plan approved by the Zoning Board of Appeals stamped approved on November 13, 2008, shall be installed and continuously maintained.
11. No more than 10,000 cubic feet of soil shall be added or taken from the property.
12. This permit is subject to Section 14 of the Zoning Bylaw, Phased Growth. Development authorization is available as of November, 2008.

THOMAS SIMPSON, Chair
Amherst Zoning Board of Appeals

DATE